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9 June 2011

By email

Graham Howell
Secretary to the Corporation

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Dear Mr Underwood

Request for Information

Thank you for your requests for information regarding Power Line Technology ('PLT'). Ofcom received your requests on 6 May 2011 and has considered them under the Environmental Information Regulations 2004 ('EIR').

I have answered your requests below.

Request one

I am requesting under the Freedom of Information Act and the Environmental Information Regulations 2004, all documents, notes, e-mails, memos, correspondence exchanged with ERA Technology Ltd in commissioning, receiving, refining and accepting their 2008-578 report which concluded that Comtrend Powerline Network Adaptors as supplied by BT Vision do not satisfy the essential requirements of the EMC Directive.

Request two

Please release copies of all information created, modified or accessed after January 1st 2010 related to meetings organised by Ofcom with victims of PLT pollution.

Please release copies of all information created, modified or accessed after January 1st 2010 related to meetings organised by Ofcom with advocates of PLT technology.

Please release copies of all information created, modified or accessed after January 1st 2010 related to the deployment of Access PLT in the UK.

Please release the full text of the following web page;
<http://stakeholders.ofcom.org.uk/enforcement/spectrum-enforcement/plt/>

As of January 1st 2011 and any changes prior to April 25th 2011.

Please release copies of all information used to support the following bullet points in the EMC ADCO presentation of March 2011.

"No complaints of interference other than 'Hobby Radio'"

"RSGB lobby (Ofcom/Government/Commission)"

"Small number of activists (misinformation)"

Please also provide a copy of the minutes for this meeting.

Please provide a list of all organisations and groups that have had contact with Ofcom and have expressed concerns of any kind about PLT causing interference

Request three

Please provide dates of meetings between Ofcom and any non Ofcom bodies which made reference to PLT/PLA devices after January 1st 2010.

Please release copies of all information created, modified or accessed after January 1st 2011 related to the Administrative Co-operation group of the EMC Directive

Please release copies of all information created, modified or accessed after August 1st 2010 that makes any reference to the proposed CENELEC PLT standard.

Request four

Please release copies of all information created, modified or accessed after January 1st 2008 related to the determination by Ofcom that EN55022 does not apply to PLT devices.

Request five

Please release copies of all information created, modified or accessed after January 1st 2010 related to meetings with spectrum stakeholders where the issue of PLT devices was raised.

Response

In response requests **one, two, three, four, and five**, to extract locate and identify the relevant information to these requests would be manifestly unreasonable under **regulation 12(4)(b) of the EIR**.

As previously mentioned to you, we have now published as much information as possible that relates to PLT. We are continuing to update the website with as much of this information as is possible as soon as we can and will also place all future information online if possible.

Please see our statement and supporting information on PLT matters on the Ofcom website here: <http://stakeholders.ofcom.org.uk/enforcement/spectrum-enforcement/plt/>.

Finally, can I conclude by saying that, whilst I acknowledge your right to request information under the Freedom of Information legislation, it seems to me that the issue that is causing you concern is more a matter of legal interpretation than information supply. Ofcom has now

published considerable material about PLT devices and Ofcom's position on interpreting its enforcement duties under the Electromagnetic Compatibility Regulations 2006 has been made very clear.

If you believe that Ofcom is not acting appropriately, or interpreting its duties correctly, then it might be that a more suitable route open to you is to seek legal advice on Ofcom's decision.


Ofcom, currently, has no further information that it can publish on PLT devices that has not now already been made available. If any further information is generated or becomes available then Ofcom will publish it as soon as it can.

As a result, it is likely that our responses to future Freedom of Information and EIR requests will simply refer applicants to our website.

Please ensure that when using the provided information in any way, you comply with all relevant legislation. For example, the information provided may be protected by copyright under the Copyright, Designs and Patents Act 1988 (as amended). If in doubt, please seek independent legal advice. For Ofcom's policy on copyright and related issues, please refer to <http://www.ofcom.org.uk/disclaimer>.

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

Yours sincerely



Graham Howell

If you are unhappy with the response or level of service you have received in relation to your request from Ofcom, you may ask for an internal review. If you ask us for an internal review of our decision, it will be treated as a formal complaint and will be subject to an independent review within Ofcom. We will acknowledge the complaint and inform you of the date by which you might expect to be told the outcome.

The following outcomes are possible:

- the original decision is upheld; or
- the original decision is reversed or modified.

Timing

If you wish to exercise your right to an internal review **you should contact us within two months of the date of this letter**. There is no statutory deadline for undertaking internal reviews and it will depend upon the complexity of the case. However, we aim to conclude all such reviews within 20 working days, and up to 40 working days in exceptional cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact:

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